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Dated February 4, 2005

Signature.

(Jacob G. Wentraub, M.S.)

Docket No.: NCI-006DV2  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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**FEB 10 2005**

In re the application of: Weaver *et al.*

Application No.: 09/932,676

Filed: August 16, 2001

For: Anti-Epileptogenic Agents

Attorney Docket No.: NCI-006DV2

Group Art Unit: 1624

Examiner: Rao, Deepak R

**RESPONSE TO FINAL OFFICE ACTION**

Via Facsimile  
MS After Final  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

**INTRODUCTORY COMMENTS**

In response to the final Office Action (Paper No.13) mailed from the U.S. Patent and Trademark Office on January 14, 2004 in the above-referenced patent application, Applicants provide the following remarks/arguments

**Amendments to the Claims** are reflected in the listing of claims which begins on page 2 of this paper.

**Remarks/Arguments** begin on page 9 of this paper.

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**DATE:** February 10, 2005  
**CLIENT NO.:** NCI-006DV2  
**MESSAGE TO:** Examiner Rao Re. Application No. 09/932676  
**COMPANY:** United States Patent and Trademark Office  
**FAX NUMBER:** (571) 273-0672  
**PHONE:** (571) 272-0672  
**FROM:** Jacob G. Weintraub, M.S.  
**PHONE:** (617) 227-7400

**PAGES (Including Cover Sheet):** 18 **HARD COPY TO FOLLOW:** ☐ YES ☒ NO

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28 State Street, Boston, Massachusetts 02109  
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<b>FAX TRANSMISSION</b>	
DATE February 4, 2005	
FTO IDENTIFIER: Application Number 02/804870-Conf #2007 Patent Number Inventor: Donald F. WEAVER et al.	
MESSAGE TO: US Patent and Trademark Office FAX NUMBER: (571) 273-4200	
FROM: LAHIVE & COCKFIELD, LLP Jacob G. Weintraub, M.S. PHONE: (617) 227-7400 Attorney Ref. #: NC1-006212	
PAGES (including Cover Sheet): 15	
CONTENTS:	Response to Final Office Action (10 pages) For Transmittal (1 page - in duplicate) Amendment to Claims (1 page) Certificate of Transmittal (1 page)
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PAGE 1/15 * RCVD AT 2/4/2005 12:01:26 PM [Eastern Standard Time] * SVR:USPTO-EFXXF-1/26 * DNIS:2730672 * CSID:6177424214 * DURATION (mm-ss):05-18	

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FAX TRANSMISSION	
DATE: February 4, 2005	
PTO IDENTIFIER: Application Number 09/839676-Conf. #5477 Patent Number	
Inventor: Donald F. WEAVER et al.	
MESSAGE TO: US Patent and Trademark Office	
FAX NUMBER: (617) 227-7400	
FROM: LAHIVE & COCKFIELD, LLP Jacob O. Weiraup, M.S.	
PHONE: (617) 227-7400	
Attorney Ref. #: NCI-066DVJ	
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CONTENTS:	Response to Final Office Action (10 pages) Fee Transmittal (1 page in duplicate) Amendment Transmittal (1 page) Certificate of Transmittal (1 page)
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**FAX TRANSMISSION****DATE:** February 4, 2005**PTO IDENTIFIER:** Application Number 09/982676-Conf. #5947  
Patent Number**Inventor:** Donald F. WEAVER, et al.**MESSAGE TO:** US Patent and Trademark Office**FAX NUMBER:** (571) 273-8300**FROM:** LAHIVE & COCKFIELD, LLP

Jacob G. Weintraub, M.S.

**PHONE:** (617) 227-7400**Attorney Dkt. #:** NCI-006DV2**PAGES (Including Cover Sheet):** 15**CONTENTS:** Response to Final Office Action (10 pages)  
Fee Transmittal (1 page in duplicate)  
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PTO/SB/97 (08-04)  
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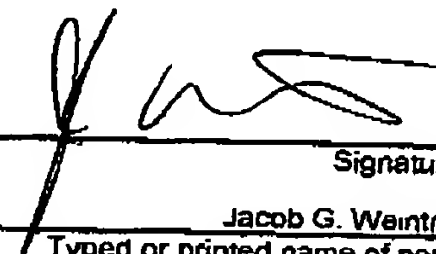
Application No. (if known): 08/932676

Attorney Docket No.: NCI-006DV2

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Jacob G. Weintraub, M.S.  
Typed or printed name of person signing Certificate  
\_\_\_\_\_  
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Registration Number, if applicable  
\_\_\_\_\_  
(617) 227-7400  
Telephone Number

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Response to Final Office Action (10 pages)  
Fee Transmittal (1 page in duplicate)  
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCEEffective on 12/08/2004.  
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).**FEE TRANSMITTAL**  
**For FY 2005**☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$) **300.00****Complete if Known**

Application Number	09/932676-Conf. #5947
Filing Date	August 16, 2001
First Named Inventor	Donald F. WEAVER
Examiner Name	D. R. Rao
Art Unit	1624
Attorney Docket No.	NCI-006DV2

**METHOD OF PAYMENT** (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): \_\_\_\_\_

☒ Deposit Account Deposit Account Number 12-0080 Deposit Account Name Lahive & Cockfield, LLP

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**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

**2. EXCESS CLAIM FEES**

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

<u>Total Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
29	- 23 = 6	x 50.00 =	300.00

<u>Multiple Dependent Claims</u>
<u>Fee (\$)</u> <u>Fee Paid (\$)</u>

<u>Indep. Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
1	- 3 =	x	

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

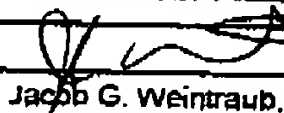
<u>Total Sheets</u>	<u>Extra Sheets</u>	<u>Number of each additional 50 or fraction thereof</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
	- 100 =	/50	(round up to a whole number) x	

**4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): \_\_\_\_\_

Fees Paid (\$)

<b>SUBMITTED BY</b>			
Signature		Registration No. (Attorney/Agent)	56,469
Name (Print/Type)	Jacob G. Weintraub, M.S.	Telephone	(617) 227-7400
		Date	February 4, 2005

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Effective on 12/08/2004.  
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

## FEE TRANSMITTAL

### For FY 2005

☐ Applicant claims small entity status. See 37 CFR 1.27

<b>TOTAL AMOUNT OF PAYMENT</b>		(\$)		300.00	
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**METHOD OF PAYMENT** (check all that apply)

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☒ Deposit Account      Deposit Account Number 12-0080      Deposit Account Name Lahive & Cockfield, LLP

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### FEE CALCULATION

#### 1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

#### 2. EXCESS CLAIM FEES

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29	- 23 = 6	x 50.00 =	300.00

<u>Indep. Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
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<u>Total Sheets</u>	<u>Extra Sheets</u>	<u>Number of each additional 50 or fraction thereof</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
	- 100 =	/50	(round up to a whole number) x	

#### 4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): \_\_\_\_\_

<b>SUBMITTED BY</b>			
Signature		Registration No. (Attorney/Agent)	56,469
Name (Print/Type)	Jacob G. Weintraub, M.S.	Telephone	(617) 227-7400
		Date	February 4, 2005

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Signature: 

(Jacob G. Weintraub, M.S.)



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AMENDMENT TRANSMITTAL LETTER				Docket No NCI-006DV2	
Application No. 09/032676-Conf. #5947		Filing Date August 16, 2001		Examiner D. R. Rao	
Art Unit 1624					
Applicants Donald F. WEAVER et al.					
Invention ANTI-EPILEPTOGENIC AGENTS					
<b>TO THE COMMISSIONER FOR PATENTS</b>					
Transmitted herewith is an amendment in the above-identified application. The fee has been calculated and is transmitted as shown below.					
<b>CLAIMS AS AMENDED</b>					
	Claims Remaining After Amendment	Highest Number Previously Paid	Number Extra Claims Present	Rate	
Total Claims	29	- 23 =	6	x 50	300.00
Independent Claims	1	- 3 =		x	
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					
Other fee (please specify):					
<b>TOTAL ADDITIONAL FEE FOR THIS AMENDMENT:</b>					300.00
<input checked="" type="checkbox"/> Large Entity <input type="checkbox"/> Small Entity					
<input checked="" type="checkbox"/> No additional fee is required for this amendment					
<input checked="" type="checkbox"/> Please charge Deposit Account No. <u>12-0080</u> in the amount of \$ <u>300.00</u> A duplicate copy of this sheet is enclosed.					
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<input checked="" type="checkbox"/> Charge any additional filing or application processing fees required under 37 CFR 1.16 and 1.17.					
_____ Jacob G. Weintraub, M.S. Registration No. 58,469 LAHIVE & COCKFIELD, LLP 28 State Street Boston, Massachusetts 02109 (617) 227-7400 Attorney or Agent Under 37 CFR §1.34				Dated: <u>February 4, 2005</u>	
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